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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,668	10/28/2003	Douglas D. Bonke	08498-02/01-3115	6856
8840	7590	11/14/2006	EXAMINER	
EASHOO, MARK				
ART UNIT			PAPER NUMBER	
			1732	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/696,668	BONKE, DOUGLAS D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Eashoo, Ph.D.	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 28 October 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 5 recites the limitation "the SIS". There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonke et al. (US Pat. 6,299,966) in view of McGuire et al. (US Pat. 6,602,454).

Bonke et al. teaches the basic claimed process of making a plastic wrap, comprising: mixing and extruding a first polyolefin and an antblocking agent, such as silica, calcium carbonate and talc, in a first layer (5:5-20 and 7:60-65); mixing and extruding a base resin and tackifier in another layer (5:25-40 and 5:60-6:35); extruding a second polyolefin, LDPE and LLDPE, in yet another layer (5:40-60); and joining/extruding the layers to form a film (6:45-65 and 7:40-8:60). Bonke et al. also teaches cooling/quenching the film upon formation, heating and embossing the film, and then rapidly cooling the embossed film (example 1). With respect to claim 8, Bonke et al. teaches forming the film using an air blown extrusion method (ie. air cooling) (7:50-65).

Bonke et al. does not teach using a set of chill rolls to cool the film and placing the chilled film in contact with an embosser. Nonetheless, McGuire et al. teaches using a set of chill rolls to cool the film and placing the chilled film in contact with an embosser wherein the film is not preheated prior to embossing (Fig. 1). Bonke et al. and McGuire et al. are combinable because they are from the same field of endeavor, namely, forming embossed thin films. At the time of invention a person of ordinary skill in the art would have found it obvious to have chilled and embossed a film, as taught by McGuire et al., in the process of

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Bonke et al., since McGuire et al. suggest such means is an equivalent and alternative method of forming an embossed film.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonke et al. (US Pat. 6,299,966) in view of McGuire et al. (US Pat. 6,602,454) as applied to claims 1-3 and 6-8 above, and further in view of Arvedson et al. (US Pat. 5,141,809) and Dohrer (US Pat. 5,085,927).

Bonke et al. teaches the basic claimed process as set forth above.

Bonke et al. does not teach the use of ethylene vinyl acetate/acrylate and a rosin ester tackifier in a layer composition. However, Arvedson et al. teaches using of ethylene vinyl acetate/acrylate and a rosin ester tackifier in a layer composition (3:20-4:20 and 7:25-65). Bonke et al. and Arvedson et al. are combinable because they are from the same field of endeavor, namely, cling films. At the time of invention a person of ordinary skill in the art would have found it obvious to have used ethylene vinyl acetate/acrylate and a rosin ester tackifier in a layer composition, as taught by Arvedson et al., in the process of Bonke et al., since Arvedson et al. suggest such materials allow for improved cling once the film is stretched.

Bonke et al. does not teach the use of SIS in a tackifier containing cling layer composition. However, Dohrer teaches using SIS in a cling layer in a tackifier containing cling layer composition (4:10-65). Bonke et al. and Dohrer are combinable because they are from the same field of endeavor, namely, cling films. At the time of invention a person of ordinary skill in the art would have found it obvious to have used SIS in a cling layer in a tackifier containing cling layer composition, as taught by Dohrer, in the process of Bonke et al., since Dohrer suggests such styrenic elastomer enhances the effect of the tackifier (4:35-40).

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arvedson et al. (US Pat. 5,141,809) in view of McGuire et al. (US Pat. 6,602,454) and Koch et al. (US Pat. 5,399,426).

Arvedson et al. teaches the basic claimed process of making a plastic wrap, comprising: mixing and extruding a first polyolefin and an antiblocking agent, such as silica, calcium carbonate and talc, in a first layer (8:38-9:36); mixing and extruding a base resin, ethylene vinyl acetate/acrylate, and a rosin ester tackifier in a layer composition (3:20-4:20 and 7:25-65); extruding yet another layer (9:25-35); and joining/extruding the layers to form a multilayer film (9:35-45). Arvedson et al. also teaches chill roll cooling (9:35-45). With respect to claim 8, Arvedson et al. teaches forming the film using an air blown extrusion method (ie. air cooling) (9:35-45).

Arvedson et al. does not teach using a set of chill rolls to cool the film and placing the chilled film in contact with an embosser. Nonetheless, McGuire et al. teaches using a set of chill rolls to cool the film and placing the chilled film in contact with an embosser wherein the film is not preheated prior to embossing

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(Fig. 1). Arvedson et al. and McGuire et al. are combinable because they are from the same field of endeavor, namely, forming embossed thin films. At the time of invention a person of ordinary skill in the art would have found it obvious to have chilled and embossed a film, as taught by McGuire et al., in the process of Arvedson et al., since McGuire et al. suggest such means is an equivalent and alternative method of forming an embossed film.

Arvedson et al. does not teach forming a multilayer film using a 3-extruder co-extrusion process with a second layer material containing LDPE or LLDPE. However, Koch et al. teaches forming a multilayer film using a 3-extruder co-extrusion process with a second layer material containing LDPE or LLDPE (2:44-60 and 4:64-10:25). Koch et al. and Arvedson et al. are combinable because they are from the same field of endeavor, namely, cling films. At the time of invention a person of ordinary skill in the art would have found it obvious to have formed a multilayer film using a 3-extruder co-extrusion process with a second layer material containing LDPE or LLDPE, as taught by Koch et al., in the process of Arvedson et al., since Koch et al. suggest such materials and co-extrusion process is capable of forming a equivalent and alternative cling film product.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arvedson et al. (US Pat. 5,141,809) in view of McGuire et al. (US Pat. 6,602,454) and Koch et al. (US Pat. 5,399,426) as applied to claims 1-3 and 6-8 above, and further in view of and Dohrer (US Pat. 5,085,927).

Arvedson et al. teaches the basic claimed process as set forth above.

Arvedson et al. does not teach the use of SIS in a tackifier containing cling layer composition. However, Dohrer teaches using SIS in a cling layer in a tackifier containing cling layer composition (4:10-65). Arvedson et al. and Dohrer are combinable because they are from the same field of endeavor, namely, cling films. At the time of invention a person of ordinary skill in the art would have found it obvious to have used SIS in a cling layer in a tackifier containing cling layer composition, as taught by Dohrer, in the process of Arvedson et al., since Dohrer suggests such styrenic elastomer enhances the effect of the tackifier (4:35-40).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached form PTO-892

#### *Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (571) 272-1197. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Eashoo, Ph.D.  
Primary Examiner  
Art Unit 1732

me  
November 9, 2006

